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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Bei Wang

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

HOANG, SON T

ART UNIT

PAPER NUMBER

2165

MAIL DATE

DELIVERY MODE

04/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,515	Applicant(s) WANG ET AL.	
	Examiner SON T. HOANG	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 2, 2009 has been entered.

Response to Amendment

2. **Claims 1-25** are canceled.
- Claims 31-40** are withdrawn.
- Claims 26**, and **28** are amended.
- Claims 26-30** are pending.

Response to Arguments

3. Applicant's arguments with respect to the 35 U.S.C. 103(a) rejections of the pending claims have been considered but are moot in view of the new ground of rejections presented hereon.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Claims 26-30** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding **claim 26**, Applicant cites "... data contents stored on the optical storage medium may include different data types having different data formats..."

This citation contains the word 'may' which provokes the use indefinite language.

Appropriate correction is required.

Claims 27-30 are also rejected under 35. U.S.C. 112, second paragraph, based on their dependencies on **claim 26**.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 26-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (*Pub. No. US 2002/0154893, filed on April 12, 2002; hereinafter Tanaka*) in view of Mercer et al. (*Pub. No. US 2004/0078382, filed on October 17, 2002; hereinafter Mercer*), and further in view of Lennon et al. (*Pub. No. US 2002/0107973, filed on November 13, 2001; hereinafter Lennon*).

Regarding **claim 26**, Tanaka clearly shows and discloses an optical storage medium for storing data for access by a data processing system, said optical storage medium including a generic logic format having a data structure in which the data contents stored on the optical storage medium may include different data types, wherein said optical storage medium comprises a physical layer directly linked to a physical character of the optical storage medium, and an

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application layer, separate from said physical layer (*Figures 14-15*), said application layer comprising:

at least two content object files each containing data contents of a particular data type (*Figure 6A shows a pack format used for recording the DVD-video data on the DVD. Figure 6B is a pack format used for recording the DVD-audio data on the DVD. The DVD-audio data format of Figure 6B is compatible with the DVD-video data format of Figure 6A, although they use different area names, [0051]*);

at least one object definition file associated with the content object file, the at least one object definition file describing the data type in said at least one content object file (*the DVD-video data format of Figure 6A comprises a VMG (i.e., video manager) area at a head thereof and a plurality of VTS (i.e., video title set) areas succeeding the VMG area. On the other hand, the DVD-audio data format of Figure 6B comprises an AMG (i.e., audio manager) area at a head thereof and a plurality of AAS (i.e., audio album set) areas succeeding the AMG area, as counterparts of the VMG and VTS area of the DVD-video data format, [0051]*); and

an index file including a table of contents having a reference to the at least one content object file (*Each ACB (i.e., one album) area consists of a plurality of tracks. The track includes PTA (i.e., part of album). Each track consists of a plurality of indexes corresponding to the cells of the chapter. Each index consists of a plurality of ACBU (i.e., ACB unit). Each ACBU consists of a plurality of*

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packs. Each pack is 2,048 bytes. Each ACBU comprises an A-CONT (i.e., audio control) pack positioned at a head thereof This A-CONT is a counterpart of the CONT pack of the VCBU. A plurality of A (i.e., audio) packs, as well as V (i.e., video) and SP (i.e., sub picture) packs if necessary, succeed the A-CONT pack, [0054]. Note that by definition, index is something that serves to guide, point out, or otherwise facilitates reference such as a table, file, catalog, [<http://www.thefreedictionary.com>]).

Tanaka does not disclose the storage medium storing different data types having different data formats and the data format for at least two of the content object files are different.

However, Mercer discloses:

the storage medium storing different data types having different data formats (A playlist is a convenient way to organize groups of audio, video, and image files on a computer-readable medium. The playlist may include, but is not limited to, one or more of the following: a media file, a group of audio files, a group of video files, a group of timed image sequences, and a group of various complex parallel combinations of images with audio or video, [0034]), and the data format for at least two of the content object files are different (user stores compressed media files such as Moving Picture Experts Group audio layer-3 (MP3) files, WINDOWS MEDIA technologies audio (WMA) files, or Joint Photographic Experts Group (JPEG) files on a computer-readable medium, the

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user often does not know all the playback device types that will be employed to render the stored compressed media files, [0004]);

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Mercer with the teachings of Tanaka for the purpose of creating and displaying an adaptive menu structure for media files utilizing an authoring software to create the menu structure to enable a user to navigate the media files using a media player ([Abstract] of Mercer).

Tanaka, as modified by Mercer, does not disclose the object definition file being written in a meta language describing both data type and data format, and the index file being written in a meta language.

However, Lennon discloses:

the object definition file being written in a meta language (*see XML code in [0099]*),

the index file being written in a meta language (*see XML codes in [0185]*).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Lennon with the teachings of Tanaka, as modified by Mercer, for the purpose of forming a table of contents for a particular user preferably based upon media reproduction attributes by facilitating a metadata server associated with each of the media collections ([Abstract] of Lennon).

Regarding **claim 27**, Lennon further discloses the meta-language includes one of the following: Extensible Markup Language (XML), Synchronized Multimedia Integrated Language (SMIL), and a custom-defined meta-language ([0099]).

8. **Claims 28-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (*Pub. No. US 2002/0154893, filed on April 12, 2002; hereinafter Tanaka*) in view of Mercer et al. (*Pub. No. US 2004/0078382, filed on October 17, 2002; hereinafter Mercer*), further in view of Lennon et al. (*Pub. No. US 2002/0107973, filed on November 13, 2001; hereinafter Lennon*), and further in view of Stumphauzer, II (*Pub. No. US 2003/0014767, filed on July 9, 2001; hereinafter Stumphauzer*).

Regarding **claim 28**, Lennon further discloses the application layer further comprises a plurality of content objects file each containing a different data type (*Figure 6A shows a pack format used for recording the DVD-video data on the DVD. Figure 6B is a pack format used for recording the DVD-audio data on the DVD. The DVD-audio data format of Figure 6B is compatible with the DVD-video data format of Figure 6A, although they use different area names, [0051]*), a corresponding plurality of object definition files each defining the data type in the corresponding content object file (*the DVD-video data format of Figure 6A comprises a VMG (i.e., video manager) area at a head thereof and a plurality of VTS (i.e., video title set) areas succeeding the VMG area. On the other hand, the DVD-audio data format of Figure 6B comprises an AMG (i.e., audio manager) area at a head thereof and a plurality of AAS (i.e., audio album set) areas*

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succeeding the AMG area, as counterparts of the VMG and VTS area of the DVD-video data format, [0051]).

Tanaka, as modified by Mercer and Lennon, does not explicitly disclose a presentation file, the presentation file including presentation definitions of the content object files to be played.

However, Stumphauzer discloses a presentation file, the presentation file including presentation definitions of the content object files to be played (*a personalized playlist can be downloaded from the website onto a portable storage medium. Examples of portable storage media include, but are not limited to, smartcards, flash cards, memory sticks, floppy disks, zip disks, compact disks, PCMCIA card, personal data assistant, mobile phone, or any other media capable of retaining the playlist, [0033]).*

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Stumphauzer with the teachings of Tanaka, as modified by Mercer and Lennon, for the purpose of automatically playing programming selections corresponding to the user's preferences using a personalized playlist ([Abstract] of Stumphauzer).

Regarding **claim 29**, Tanaka further discloses the application layer further comprises a file system (*Figures 6A & 6B*).

Regarding **claim 30**, Lennon further discloses the playlist definition file is written in a meta language (*Figure 8 shows that the value of the VideoScene*

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descriptor is the markup that is contained within the start and end tags of the descriptor. The name of the descriptor is the tag name (i.e. VideoScene). Similarly the value of the Clip complex descriptor is that markup contained between the start and end tags of the Clip descriptor. The Clip descriptor value contains two simple descriptors, Date and Location. The value of the Location descriptor is the text contained between the start and end Location tags (i.e. Sydney, Australia), [0083]].

Conclusion

9. These following prior arts made of record and not relied upon are considered pertinent to Applicant's disclosure:

Murakami et al. (*Pub. No. US 2003/0049029*) teaches recording apparatus, recording method and program, and recording medium.

Habuto et al. (*Pat. No. US 6,810,441*) teaches apparatus, method and system for reading/writing data and medium for providing data read/write program.

Chu et al. (*Pub. No. US 2002/0016776*) teaches distributing digital content.

The Examiner requests, in response to this Office action, support(s) must be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the Examiner in prosecuting the application.

When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art

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disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Contact Information

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Son T. Hoang whose telephone number is (571) 270-1752.

The Examiner can normally be reached on Monday – Friday (7:00 AM – 4:00 PM).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Christian Chace can be reached on (571) 272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. T. H./
Examiner, Art Unit 2165
April 6, 2009

/Christian P. Chace/
Supervisory Patent Examiner, Art Unit 2165